



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,545	09/10/2003	Seung-Gyun Bae	45703	3251
7590 08/30/2011				
Peter L. Kendall Roylance, Abrams, Berdo & Goodman, L.L.P. Suite 600 1300 19th Street, N.W. Washington, DC 20036				
EXAMINER				
MENDOZA, JUNIOR O				
ART UNIT		PAPER NUMBER		
2423				
MAIL DATE		DELIVERY MODE		
08/30/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/658,545	Applicant(s) BAE ET AL.
Examiner JUNIOR MENDOZA	Art Unit 2423

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 08 August 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-18.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 08/08/2011 have been fully considered but they are not persuasive.

Regarding claims 1, 8, 13, 14 and 15, applicant argues that in alleging that Ross discloses "when the television video signal is scaled up and displayed in the first and second display areas"; the examiner ignores the time element. Hence, failing to address the correct subject matter and establish a prima facie case, see remarks page 11 last paragraph and page 12. Also, the applicant states that Ross is not relevant to "block copying any kind of data" see remarks, page 12 fourth paragraph.

However, the examiner respectfully disagrees with the applicant. The examiner notes that the feature of "when the television video signal is scaled up and displayed in the first and second display areas" is met by the Jang reference not by Ross as stated by the applicant (see last mailed office action, page 3 line 17 - page 4 line 2). Jang discloses displaying a text message area 100 and a TV image simultaneously, where the text message area 100 is superimposed over the TV image, see page 11 lines 7-25 figures 3A and 3B. Since Jang is silent to disclose how the superimposing method is executed when presenting text data and a television image simultaneously, Ross was introduced in order to explicitly disclose that in superimposing text data over a television video image, pixel blocks of the television image may be substituted by that of the text message data, hence block-copying the text data, see col. 2 lines 16-31, col. 2 lines 18-27 figures 1 and 2. Therefore, the examiner successfully addressed all the claimed limitations, establishing a prima facie case.

The applicant argues that the teachings of Ross are irrelevant to "block copying any kind of data"; nonetheless, the examiner has given the broadest reasonable interpretation to "block-copying data" in view of the specification. For example, page 24 line 8 - page 25 line 7 of the current specification, discloses that OSD controller 119 can block-copy a desired rectangular area of data to a desired position. Ross discloses displaying the text data within a predetermined area of the television image by substituting blocks of pixels of the TV image with the text data in that predetermine area, col. 2 lines 16-31, col. 2 lines 18-27, col. 2 lines 10-31 figures 1 and 2; hence Ross is indeed relevant to "block-copying text data". The examiner further notes that the claim language is silent to define what and how block-copying occurs and its active steps to display the text data on television image display.

The applicant also argues that since the superimposed teletext signal of Ross is part of the TV signal, the scheme of Ross is directed to a TV mode associated data, not to a communication mode associated data, see remarks page 12 this paragraph. However, the examiner respectfully disagrees with the applicant since Jang already teaches a television mode and a communication mode (see last office action page 3 lines 9-16), and superimposing a text message over the television video image. As stated before, Ross was simply introduced to teach that in superimposing text data over a television image (as already taught by Jang), a block copying scheme may be implemented by substituting blocks of pixels of the TV image with text data in that predetermine area, col. 2 lines 16-31, col. 2 lines 18-27, col. 2 lines 10-31 figures 1 and 2.